

**DECLARATION AND POWER OF ATTORNEY**

Atty. Ref.: 0275S-000542

**DECLARATION**COPY  
JUN 28 2004  
PATENT & TRADEMARK OFFICE  
U.S. DEPARTMENT OF COMMERCE  
As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**Pivotal Plant Protector**

the specification of which (check one)

is attached hereto.  
or  
 was filed on 11/28/01 as Application Serial No. or PCT International Application No. 09/996,350 and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. §§ 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or any PCT international application having a filing date before that of the application on which priority is claimed:

PRIOR FOREIGN APPLICATION(S)				
APPN. SERIAL NO.	COUNTRY	DATE FILED (MM/DD/YYYY)	PRIORITY CLAIM	
			Yes	No
GB 0029014.8	United Kingdom	11/29/00	<input checked="" type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>

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JUL 06 2004  
TECHNOLOGY CENTER R3

## DECLARATION AND POWER OF ATTORNEY

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

PRIOR PROVISIONAL APPLICATION(S)	
APPN. SERIAL NO.	DATE FILED (MM/DD/YYYY)

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below:

PRIOR U.S. APPLICATION(S)		
APPN. SERIAL NO.	DATE FILED (MM/DD/YYYY)	STATUS - PATENTED, PENDING, ABANDONED

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

### POWER OF ATTORNEY

I hereby appoint Harold Weinstein, Reg. No. 20613; Edward D. Murphy, Reg. No. 20625; John D. Del Ponti, Reg. No. 24258; Charles E. Yocum, Reg. No. 30121; Bruce S. Shapiro, Reg. No. 33120; Adan Ayala, Reg. No. 38373; Michael P. Leary, Reg. No. 41144; Ajay K. Gambhir, Reg. No. 44115, and Richard J. Veltman, Ref. No. 36957 of The Black & Decker Corporation, 701 East Joppa Road, Towson, Maryland 21286, telephone (410) 716-3900; and Christopher M. Brock, Reg. No 27,313, Ryan W. Massey, Reg. No. 38,543, and each principal, attorney of counsel, associate, and employee of Harness, Dickey & Pierce, P.L.C., who is a registered Patent Attorney, my attorney with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

### CORRESPONDENCE ADDRESS

I request the Patent and Trademark Office to direct all correspondence and telephone calls relative to this application to Customer No. 27572 (  ), Harness, Dickey & Pierce, P.L.C., P. O. Box 828, Bloomfield Hills, Michigan 48303 (248) 641-1600.

# DECLARATION AND POWER OF ATTORNEY

Full name of sole or first inventor: Andrew Richardson

Inventor's signature: Andrew Richardson

Date: 21/11/02

Residence: 8 Monks Crescent, Gilesgate, Durham, Great Britain DH1 1HD

Citizenship: Great Britain

Mailing Address: same

Full name of second joint inventor, if any: Michael Wilson

Inventor's signature: Michael Wilson

Date: 21/01/02

Residence: 71 Heather Lane, Crook, County Durham, Great Britain DL15 9TN

Citizenship: Great Britain

Mailing Address: same

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/996,350

Filing Date: 11/28/01

Applicant: Richardson et al

Group Art Unit: 3724

Examiner: Payer

Title: Pivotal Plant Protector

Attorney Docket: 0275R-000542

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Director of the United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

ESTABLISHMENT OF ASSIGNEE'S RIGHT TO PROSECUTE APPLICATION  
UNDER 37 C.F.R. §3.73(b), AND POWER OF ATTORNEY

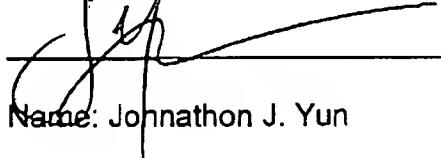
Under 37 C.F.R. § 3.73(b), the undersigned hereby states that documents evidencing an Assignment of the above-identified Application to the Assignee identified below have been reviewed, and further certifies that, to the best of Assignee's knowledge and belief, said Assignee is the owner of all right, title and interest in said Application:

Assignee: Black & Decker Inc.  
1423 Kirkwood Highway  
Newark, Delaware 19711

Assignment Document(s):  filed herewith.  
 previously filed,  
Reel No. 013358, Frame No. 0893.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Assignee furthermore hereby appoints Mark D. Elchuk, Reg. No. 33,686 and each other principal, attorney of counsel, associate and employee of Harness, Dickey & Pierce, P.L.C., who is a registered Patent Attorney, as attorney of record, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. I request the Patent and Trademark Office to direct all correspondence and telephone calls relative to this application to Harness, Dickey & Pierce, P.L.C., P. O. Box 828, Bloomfield Hills, Michigan 48303 (telephone 248-641-1600).



Name: Jonnathon J. Yun

Title: Attorney

Date: June 28, 2004

Assignee: Black & Decker Inc.